IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1082 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 25/06/2004 in WP No. 10474 OF 2004 on the file of the High Court.)

Between:

Pothula Rukmini W/o Mogill,
R/o Damera, Atmakur Mandal, Warangal District

..... APPELLANT

AND

1.Revenue Divisional Officer, Warangal
2.Jannu Mallaiah S/o Kanakaiah
Atmakur R/o H. No. 15-3-20, KMC, Rangampet EBC Church, Warangal Warangal District

.....RESPONDENTS

Counsel for the Appellant: Mr.Y.RAMA RAO

Counsel for the Respondent No.1: G.P. for Panchayat Raj

And Rural Development.

Counsel for the Respondent No.2.:None appeared.

The Court made the following :

ORAL JUDGMENT

(per The Honourable Sri Devinder Gupta, the Chief Justice)

Appellant's Writ Petition was dismissed by the learned Single Judge. Appellant had questioned her signature on Form-II of Rules relating to motion of No-confidence in Upa-Sarpanch of Gram Panchayat or Vice-President/President of Mandal Parishad or Vice-Chairperson/Chairperson of Zilla Parishad on the basis of which, Form-V was issued to the members of Atmakur Mandal Parishad, thereby, convening a meeting of the Mandal Parishad to consider the No Confidence Motion based upon Form-II. Petitioner's grievance is that the very signature on Form-II was questioned as the same was obtained under coercion. Therefore, it was incumbent upon the Revenue Divisional Officer, Respondent No.1, to hold an enquiry before convening of the meeting for considering No Confidence Motion. Learned Single Judge held that neither under the Act nor under the Rules, such an enquiry is envisaged and the Revenue Divisional officer has only to satisfy himself by the identity of persons who are signatories on Form-II and that the number of persons signed on the requisition shall be atleast half of the members, which alone gives jurisdiction to act on the basis of Form-II, and, thereby convening the meeting for consideration of No Confidence Motion. Once meeting is convened, every member will get opportunity to vote either in favour of, or, against the motion. The allegation by one of the members that his or her signature was obtained under coercion cannot be enquired into at any stage after Form-II is submitted and before No Confidence Motion is put to vote.

The Writ Appeal, therefore, is dismissed. No costs.

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DEVINDER GUPTA, C.J.

20.7.2004

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C.V.RAMULU, J.

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To

1.Revenue Divisional Officer, Warangal
2. Two CCs to Govt. Pleader for Panchayat Raj, High Court Bldgs., Hyderabad (OUT).

3. Two CD copies.